REMARKS/ARGUMENTS

The Office Action dated June 4, 2003 has been received and its contents carefully considered. Claims 1-26 are pending. Claims 1-26 have been rejected. Claims 1, 3, 4, 5, 6, 10, 11, 15, 18, 20, 21, 22, and 23 have been amended. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

OATH/DECLARATION

The Examiner stated that the oath or declaration was defective. A new oath/declaration is included which is believed to be in compliance.

DRAWINGS

The drawings where rejected under 37 C.F.R. §1083(a). The Examiner has not suggested or shown which features are absent from the drawings as claimed. Therefore, it is not feasible to make any adjustments to the current drawings, because it is believed that all of the features are shown as claimed. The drawings are believed to be in compliance as currently submitted.

SPECIFICATION

The abstract of the disclosure was objected to. A new abstract is submitted herewith and is believed to be in compliance.

The disclosure was objected to because of informalities. These informalities have been corrected and submitted herewith.

CLAIM REJECTIONS – 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 1-9, 11, 15 and 18-26 were rejected under 35 US.C. §112, first paragraph. Specifically claims 1 and 18 were rejected under 35 U.S.C. §112, first paragraph because the Examiner stated that it was unclear to one having ordinary skill in the art how the "percentage gas sensor lifetime hours" can be adjusted before it is calculated and therefore it is unclear how to use the invention as claimed. Accordingly to claims 1 and 18 have been amended to clarify this matter.

Claims 5, 11 and 22 were rejected under 35 U.S.C. §112, first paragraph because the Examiner stated that the specification was not enabling for a claimed limitation. Claims 5, 11 and 22 have been amended accordingly and are believed to be in compliance.

Claims 6, 15 and 18 were rejected under 35 U.S.C. 112, first paragraph because the Examiner stated that the specification was not enabling toward claimed limitation. Accordingly, claims 6, 15 and 18 have been amended and are believed to be in compliance.

CLAIM REJECTIONS – 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-9 and 18-26 have been rejected under 35 U.S.C §112, second paragraph. Specifically claims 1 and 18 were considered vague and indefinite because of what the Examiner regarded as confusing language. Claims 1 and 18 have amended accordingly to clarify any confusion and are believed to be in compliance. Claims 1 and 18 were also rejected under 35 U.S.C. §112, second paragraph for lacking an antecedent basis. The claims have been amended accordingly and are believed to be in compliance.

Claims 3 and 20 were rejected under 35 U.S.C. §112, second paragraph because the Examiner stated that they were vague and indefinite as claimed. Claims 3 and 20 have been amended to clarify the steps claimed therein and are believed t be in compliance.

Claims 4 and 21 have been rejected under 35 U.S.C. §112, second paragraph for being vague and indefinite. Accordingly claims 4 and 21 have been amended in order to clarify the method steps and are believed to be in compliance.

Claims 20, 22 and 23 were rejected under 35 U.S.C. §112, second paragraph for lacking antecedent basis. Accordingly the claims have been amended to reflect proper antecedent basis and are believed to be incompliance.

CLAIM REJECTIONS – 35 U.S.C. § 102

Claim 10 was rejected under 35 U.S.C. §102(b) as being anticipated by International Publication No. WO 96/35944 to Radford et al. Without conceding the propriety of the rejection, claim 10 has been amended. It is respectfully submitted that Radford et al. does not teach, *inter alia*, a predictive warning system for incubator gas sensor failure comprising an embedded controller for analyzing the at least one gas sensor for failure by "adjusting a percentage gas sensor lifetime hours measurement...normalizing said adjustment measurement...calculating a percentage lifetime hours measurement...wherein the calculation is performed at a temperature 20 degrees Celsius" as recited in claim 10.

For anticipation under 35 U.S.C. §102(a) the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claim, is not found either expressly or inherently described as required by the M.P.E.P, Takai et al. cannot

be said to anticipate the method of providing diagnostic capability for a plurality of motor vehicle control units of the present invention as claimed. Since each and every element as set forth in the claim is not found either expressly or inherently described as required by the M.P.E.P., Radford et al. can not be said to anticipate the invention as claimed.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 1, 2, 6, 10-19 and 22-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dutton et al. (U.S. Patent No. 4,701,415) in view of JP Publication No. 08-233770 to Hatai and further in view of Cao (U.S. Patent No. 6,279,377). Without conceding the propriety of the rejection, independent claims 1 and 18 have been amended. It is respectfully submitted that Dutton et al. does not teach, *inter alia*, a method of predicting failure of gas sensors in an incubator environment comprising the steps of "adjusting a percentage gas sensor lifetime hours measurement...normalizing said adjustment measurement...calculating a percentage lifetime hours measurement...wherein the calculation is performed at a temperature of 20 degrees Celsius" as recited in claim 1 and similarly in claim 18.

Hatai does not cure the deficiencies of Dutton et al. because it, too does not provide a teaching of calculating a percentage lifetime hours measurement at a temperature of 20 degrees Celsius as recited in claim 1 and similarly in claim 18.

Cao also fails to cure the deficiencies of Dutton et al./Hatai because it too fails to teach calculating a percentage lifetime measurement at a temperature of 20 degrees Celsius as recited in claim 1 and similarly in claim 18.

In accordance with the M.P.E.P. §2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In*

re: Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re: Wilson, 424 F.2d 1382, 1385, 165 USPQ 494 196 (CCPA 1970).* Since the prior art does not teach or suggest all the claimed features, withdrawal of the rejection is respectfully requested. Regarding 3-5, 7-9 and 20-21, no prior art rejection has been made over the claims.

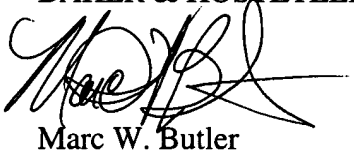
CONCLUSION

In view of the foregoing remarks, Applicant submits that the application is now in condition for allowance. If, the Examiner believes that the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not time filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036.

Respectfully submitted,

BAKER & HOSTETLER LLP



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